

Western Canada Federation

CONTENTS

- Page 3—
EMINENT DOMAIN
- Page 6—
NO CONFEDERATION
- Page 8-9—
MAP OF WESTERN CANADA
- Page 11—
GOVERNOR-GENERAL
- Page 12—
OUR HERITAGE
- Page 13—
**WHAT'S WRONG WITH THIS
PICTURE?**
- Page 14—
STATUTE OF WESTMINSTER

Authorized by
WESTERN CANADA FEDERATION

Printed by
General Printing and Bookbinding Limited, Saskatoon, Sask.

Western Canada Federation

★ Federation of the Western Provinces.

Freedom from domination by Ottawa.

Free Trade with the United States.

Frontiers extended to the Arctic.

Full utilization of the Port of
Churchill.

★ Saddle up! The West is going places!

Even the North Pole is in our
Territory.

★ You want action! Enroll with us.

Membership fee \$20.00.

WESTERN CANADA FEDERATION
P.O. Box 512
SASKATOON, SASKATCHEWAN

Offices:

Edmonton, Vancouver

354-71
• 1527

Western Canada Federation

PRESIDENT

JOHN EVANS, Resident in Saskatchewan since 1892. Honorary President, United Farmers of Canada, Saskatchewan Section, Ltd., Member of Parliament for Rosetown-Biggar from 1921 to 1930. Wheat Pool delegate.

SECRETARY

R. ROGERS SMITH. Retired Engineer, Born Fort Qu'Appelle, 1884. Secretary of the Saskatchewan Taxpayers Association for the past two years. Membership now merged with the Western Canada Federation.

TREASURER

MARTIN OSTEVIK. Retired Farmer. Resident of Richlea, Sask. since 1912. Member of United Farmers of Canada and Saskatchewan Wheat Pool since their inception.

WESTERN CANADA FEDERATION

P.O. Box 512
SASKATOON, SASKATCHEWAN
Offices
Winnipeg, Edmonton, Vancouver

EMINENT DOMAIN

Who owns Western Canada, in the right of Eminent Domain?

Our attention is first drawn to this important right in the History of Herodotus written 450 years before the Christian era. Herodotus tells us that the Kingdoms conquered by the Persians were required to bring to the Courts of Darius every year, a jar of earth and a jar of water. Not because of the intrinsic value of the earth or water, but as a token that you own our earth and you own our water. We are hereafter governed by the unalterable laws of the Medes and Persians.

INTERESTING HISTORY

The British Empire held its Dominion and Colonies by the exercise of this important right. In the case of Nova Scotia, by the terms of the Charter granted by King James VI of Scotland to Sir William Alexander, Nova Scotia was required to pay three Indian arrowheads per year. British Columbia paid two per cent of the gold and silver mined. The payment for Manitoba, Saskatchewan and Alberta was that of the Hudson's Bay Company, which reads as follows:

"Yielding and Paying Yearly to Us, Our Heirs and Successors for the same, two Elks and two Black Beaver."

These leases expired December 11, 1931. On this date, the Imperial Parliament, by enacting the Statute of Westminster, relinquished not only for itself but for all future Parliaments of the United Kingdom the right of Eminent Domain over each Province separately and individually.

How important is this power may be gathered from the experience of the United States. Each State being independent was reluctant to relinquish any sovereign rights to a Supreme power. They compromised by granting to the Central Government a small State; the District of Columbia. They thereby granted to the Central Government the power to exercise the right of Eminent Domain on behalf of the Nation; retaining each severally the right of Eminent Domain over the lands within the boundaries of their own individual States.

By empowering the Central Government to exercise this right, the United States was enabled to purchase Alaska from Russia, March 30, 1867; to take over the Hawaiian Islands; Cuba, the Philippines, and the Panama Canal. Without this power the Federal Government of the United States would be impotent, could not issue a passport or sign a treaty which would be accepted by the Governments of other sovereign States.

EMINENT DOMAIN

"The unrestrained ownership of land; independent of all action from without, paramount over all action within."

"The right to exercise the power of Eminent Domain is inherent in Sovereignty, necessary to it, and inseparable from it. From the very nature of society and organized government, this right must belong to the State. It is a part of the Sovereign power of any Nation. It exists independent of Constitution recognition, and it existed prior to Constitutions. It lies dormant in the State, until legislative action is had pointing out the occasion, the modes and the agencies for its exercise."

American and English Encyclopaedia of Law—Page 1049.

OTHERS FOLLOW

The example of the United States was followed by Mexico, Brazil, and Australia. Mexico City is the District Federal of Mexico. Australia similarly has its District of Canberra.

The basic facts are that the Provinces were granted an emphyteutic or perpetual lease of their lands, mines, minerals and royalties. This is referred to in Section 92 of the British North America Act—Property and Civil Rights; and more particularly in Section 109—All lands, mines, minerals and royalties belonging to the Province at the Union, should continue to belong to the Provinces, except for any interest other than that of the Province in the same. This being the token payment required. The British North America Act was drafted by Lord Thring, January 17, 1867, and enacted as a Statute by the Imperial Parliament, assented to by Queen Victoria March 29, 1867. This Act created an ancillary corporation "to aid and advise" the Governor General to administer affairs in connection with and exercise authority over the Provinces as long as they were Colonies. This created a Dominion Government, which as Mr. Ilsley stated (November 12, 1945) received its authority from the "Crown", and was not responsible to the elected Members of Parliament. It was as Mr. Adderly, M.P., said in the British House of Commons:

"One of the purposes of the Act is to strengthen the hands of the Governor General as much as possible"

Lord Campbell in the House of Lords said:

"It would scarcely be possible to break the artificial unity we now propose to organize." (British Hansard, Vol. 185, P. 1016).

Although the Statute of Westminster, December 11, 1931, does not itself alter or amend the British North America Act in any way, it elevates the Provinces of Canada to the status of Sovereign States and indicates the method whereby the Provinces of Canada may themselves correct its faults.

First, we desire to draw attention to Section 11—Whereby notwithstanding anything in the Interpretations Act of 1889—No Province of Canada is longer a Colony, thereby elevating each Province to the position of a Sovereign State. There is no intermediate status between a Colony and a Sovereign State. To confirm this the Act states in Section 7, Paragraph 2—That Sovereign Rights—

"shall extend to laws made by any of the Provinces of Canada and to the powers of the Legislatures of such Provinces."

Sovereign powers referred to are contained in the provisions of Section 2. By these sections of this Act, the Imperial Parliaments binds not only itself but future Parliaments of the United Kingdom to recognize and respect the new status conferred by it upon the Provinces of Canada.

Complete independence of British domination is contained in the following words:

"No law and no provision of any law made after the commencement of this Act by the Legislature of a Province shall be void or inoperative on the ground that it is

INTERPRETATIONS ACT, 1889

Section 18. Paragraph 3:

"The expression COLONY shall mean any of Her Majesty's Dominions, (exclusive of the British Islands and of British India) and where parts of such Dominions are under both a Central Legislature and Local Legislatures, all parts under the Central Legislature shall for the purpose of this definition be deemed to be One Colony."

Canada was "ONE COLONY" from 1763 to December 11th, 1931.

repugnant to the law of England or to any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of a Legislature of a Province shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of the law of such Province."

These provisions of Section 2 extend to the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland.

Each of these Dominions have the right of Eminent Domain possessed by their central governments.

The poverty of the Dominion Government of Canada is exemplified by the fact that it pays rent to the City of Ottawa, \$300,000 per year. It does not own a foot of ground in Canada. It is for this reason—the lack of Eminent Domain—that without further delay some power of Sovereignty be conferred upon the Central Government by an agreement between the Provinces.

(2) The provisions of section two of this Act shall extend to laws made by any of the Provinces of Canada and to the powers of the Legislatures of such Provinces.

The destiny of Canada therefore remains in the hands of the Members of the Legislatures of the Provinces. They may amend or alter any Act of the Imperial Parliament insofar as the Act affects their particular Province.

The Dominion Government being the agency of the British Government in Canada, has only the power conferred upon it (as Mr. Ilsey said) by the Crown. This is no longer the case. The Department of State for External Affairs states in a letter to the United Farmers of Canada, August 13, 1945:

"No department of the Government of the United Kingdom is concerned in any way with the appointment of the Governor-General of Canada." (File No. 624-30).

The Department of Justice states:

"His Excellency is not a vice-roy of His Majesty except in the popular sense of the term." (File No. 5111-40).

STATUTE OF WESTMINSTER, DECEMBER 11th, 1931

Section 11. Notwithstanding anything in the Interpretation Act, 1889, the expression "Colony" shall not, in any Act of the United Kingdom passed after the commencement of this Act, include a Dominion or any Province or State forming part of a Dominion.

12. This Act may be cited as the Statute of Westminster, 1931.

NO CONFEDERATION

Conclusions of Constitutional Authorities

Following is a synopsis of evidence presented before the Special Committee convened at the House of Commons, Ottawa, February 26th, 1935, to investigate the British North America Act:

Excerpts from the evidence of:

Dr. Skelton, Under Secretary of State for External Affairs:

"Now it might be said, why not trust to growth of convention or custom altogether for the necessary changes in our Constitution? The obvious answer, I think, is that the process is too slow, and is applicable only in cases where unanimity has been reached.

No other country in the world looks to the Parliament of another country for the shaping of its constitution. This solution could only be supported if we believe that Canadians are the only people so incompetent that they cannot work out a solution of their constitutional problem, and so biased that they alone among the peoples of the world cannot be trusted to deal fairly with the various domestic interests concerned . . .

It is not safe to leave the question open and ambiguous indefinitely; for at any time a dispute on a concrete issue may arise.

To retain permanently the intervention of the Parliament of the United Kingdom is either superfluous or dangerous."

Dr. Maurice Ollivier, K.C., Joint-Law Clerk, House of Commons:

"Furthermore, our Constitution is a law adopted by the British Parliament exercising its uncontested right of sovereignty toward its Colonies . . . This explains the fact that the British North America Act is not a reproduction of the Quebec Resolutions . . . England was free to agree to the resolutions or to disregard them entirely."

Dr. W. P. M. Kennedy, Professor of Law, University of Toronto:

"I think we have got to get away from the idea that the British North America Act is a "Contract" or "Treaty" I do not want to go into that, but it is true neither in history nor in law. The British North America Act is a Statute and has always been interpreted as a Statute.

"Suppose now we assume that it is necessary to have constituent powers in Canada, powers to change the Constitution. I approach that problem from two angles.

First of all I want to break the British North America Act up . . . We have got to ask ourselves, "Is the dead hand of the past to be constantly laid with numbing effect on the body politic." That is really what it amounts to . . . If we in Canada are not capable of interpreting our own Constitution we should not have a Legislature at all."

This sworn testimony stressing the impotence of the Government was submitted by constitutional authorities, who were trusted officials of the Dominion.

How much more EMPHATIC, DETAILED AND COMPLETE their evidence might have been had they not been handicapped by their well-paid official positions?

Professor Norman McL. Rogers, Professor of Political Science, Queens University (Minister of Labor):

"I am thoroughly convinced that the British North America Act is not a pact or contract either in the historical or legal sense."

Mr. Cowan (Acting Chairman):

Q.—You get back to this: your start is another Inter-Provincial Conference?"

A.—"I am afraid it is. I see no feasible alternative."

Dr. Beauchesne, K.C., C.M.G., LL.D., Clerk of the House of Commons:

"It is quite true that if we apply to the British North America Act the principles followed in the interpretation of statutes it is not a compact between Provinces; it is an Act of Parliament which does not even embody all the resolutions passed in Canada and in London prior to its passage in the British Parliament where certain clauses that had not been recommended by the Canadian Provinces were added. The Statute of Westminster has altered our Status . . . What we want is a new Constitution.

"The new Constitution must leave nobody with a grievance.

"A spirit of conciliation should predominate. For these reasons, the task must be entrusted to an independent body in which all elements of the country will be represented. "I want the assembly to sit in a City in the West. It would not be necessary for a delegate to be a Member of Parliament or of a Provincial Legislature.

"I would suggest that the assembly do not sit in Ottawa, in order that it may not have the appearance of being dominated, or even influenced by the Dominion power; and, as the Western Provinces are of such paramount importance in the country, I suggest the best City for the representatives to gather in would be Winnipeg.

"Whether our country should be changed from a Dominion to Kingdom is also a subject which might be discussed. I would suggest that the country could be called "The Federated States of Canada."

"There have been many disputes about Provincial rights since 1867 and it seems certain that when a new Constitution is drawn up the distribution of Federal and Provincial powers will have to be modified.

"I submit that appeals to the Privy Council should be dealt with by our Constitution. This method would preserve the principle of taking our cases to the highest tribunal without going out of our own country.

(Continued on Page 10)

**MAP
of
WESTERN
CANADA**

★
approx.
1600x1600
miles
showing
boundaries
extended to the
Arctic Ocean

- ★FOOD
- ★FUEL
- ★FISH
- ★FORESTS
- ★FURS
- ★FARMS
- ★Freedom
For Us.



(Continued from Page 7)

"If you will allow me, Mr. Chairman, I will just make another suggestion; if we have a constituent assembly and if we discuss the making of a new constitution, I think it is anomalous that Dominion affairs, should, to a certain extent, be subject to provincial authority. I would suggest that we have a Federal district taking in about 25 square miles on each side of the Ottawa River.

"I would not have any minority rights' discussed. There is nothing more dangerous in Canada than a discussion of minority rights. A discussion of them would wreck the whole Constituent Assembly.

"I think the time is ripe for a change in the Constitution. I do not think you would need much publicity in order to draw to the attention of the people of this country that the British North America Act is inadequate."

The Right Honorable W. L. Mackenzie King, in a letter to Maurice Duplessis, July 15, 1943, states:

"Confederation was not really a pact between Provinces." And cites the Minister of Justice as his authority.

Mr. Grant Dexter in his column brought to our attention that the stories of Confederation are valueless. He said:

"The theory that a pact or compact exists uniting the Provinces was exploded years ago."

How untrue are the stories of Confederation is emphasized, when we consult the facts.

The historical record states that the Quebec Resolutions of 1864 were signed only by E. P. Tasche as Secretary. The artist's conception of this meeting in his painting of the "Fathers of Confederation" depicts Hewitt Benard as Secretary. In consulting the addendum accompanying this painting we find the only official at this meeting to be Hewitt Benard. He was brother-in-law to John A. Macdonald and came to Canada from London in 1867*. Three years after this meeting of 1864.

Hewitt Benard was not a delegate, nor did he attend this convention of 1864. All constitutional authorities agree "no pact or compact" exists to unite the Provinces of Canada. This evidence together with this fraudulent picture brands the myth of Confederation as the greatest hoax of history.

There is no valid grounds worthy of consideration for any Dominion Official to protest a Federation of the Western Provinces.

*John A. Macdonald married Susan Agnes Benard in London February 16, 1867. Hewitt Benard was a brother.

GOVERNOR - GENERAL

An inquiry was sent to Hon. Vincent Massey, Canadian High Commissioner in London by Mr. Frank Eliason, Secy. of the United Farmers of Canada, Saskatchewan Section, Ltd., on July 3rd, 1945, as to what Department of the Government of the United Kingdom was responsible for this appointment.

Replies were received from both the Canadian High Commissioner and the British High Commission, Earnscliffe, Ottawa—Neither of them knew, and referred the question to the Department of State for External Affairs, Ottawa.

Another organization, the Native Sons of Canada, which started in the West previously sent an inquiry to the Department of Justice, Ottawa — as to whether or not the Governor-General is a viceroy of His Majesty.

The answer received is in the lower block.

The first Governor-General, James Murray, received his authority from the Board of Trade and Plantations. The last, Earl Bessborough, with the same dictatorial power, was accredited by the Crown in Chancery, March 23rd, 1931. Since the enactment of the Statute of Westminster, December 11, 1931, neither the Government of the United Kingdom nor His Majesty have sent an accredited representative to Canada.

The question could well be asked—Was it an enemy country which appointed him?

Further information can be obtained by contacting the Headquarters of the Western Canada Federation.

DEPARTMENT OF STATE FOR EXTERNAL AFFAIRS

File No. 624-30 August 13/45.

"No Department of the Government of the United Kingdom is concerned in any way with the appointment of the Governor-General of Canada."

The Secretary,
United Farmers of Canada,
Saskatchewan Section, Ltd.,
Saskatoon, Sask.

DEPARTMENT OF JUSTICE

File No. 5111-40 July 10/40.

"The answer is that His Excellency the Governor-General came to Canada not in the capacity of viceroy of His Majesty, except in the popular sense of the term."

(Signed) J. Stuart Edwards,
Deputy Minister of Justice.

READ PAGE THREE AGAIN

On page three is reproduced in a block the definition of Eminent Domain. This should be memorized. All law is based upon this most important right. It existed prior to the records of civilization, and it will exist (regardless of any ism) as long as the foot-falls of mankind echo down the corridors of time.

This right of Eminent Domain over Canada was relinquished by Great Britain and transferred to each Province individually in the provisions of the Statute of Westminster.

OUR HERITAGE

It is proper that reference, however brief, be made at this time to the vast actual and potential resources of the Domain to be Federated.

One outstanding fact is the Port of Churchill, already completely paid for in full by the Western Provinces and which, to date, has been merely intermittently made use of. Here is the natural port of inestimable value, providing two-way transportation to all European countries, bringing them nearer to us than any Eastern seaport in Canada.

Swinging westward and merely glancing at those major features of common knowledge, we note the wealth of minerals at Yellowknife, Bear Lake, etc. The immense territory of the Peace River area, only calling for transportation to provide homes, with every comfort, for happy and prosperous settlers.

Further West, to the almost unexplored seabord of wonderful British Columbia, with lumber, fish and mineral wealth beyond the wildest dreams. Thence southward along that awe-inspiring coast, with its myriad islands and islets, to meet the boundary of our friendly neighbours, and east to the important cities at the head of the Great Lakes. From there northward to join that vast inland-sea on Hudson's Bay.

We ask the reader to reflect on the veritable Empire embraced by these bounds. Of the mighty cities, humming with industries, able to successfully compete anywhere with the output of almost every variety of manufactured goods, that our own or other countries require. Think of the great rivers, still waiting to be harnessed to furnish electric power on a stupendous scale and provide abundance of water for gigantic irrigation purposes, thereby minimising the hazards of the fruit and truck grower.

Remember the coal deposits, the oil and gas resources that can be made available for industrial and domestic needs in even the remotest corners of the area, for generations. The almost limitless production of farm, field and ranch, able to pile a store of the best of foods into the lap of a world which it now so sorely lacks.

This, but a glimpse of the very sketchiest character outlines the borders of a region containing a prize without parallel in the entire world and with new means of production and expansion of existing ones; new sources of supply at lower and more attractive rates and new demands from places formerly excluded, will call for the fullest use of all available man-power to cope with it.

The day is bright with promise, new conditions which it is our duty to create speedily, will follow once we weld the bounds of this "New Empire" into an entity, functioning in the sole interests of those who should now rightfully reap a rich reward from the toil, privations and sacrifices of our sturdy pioneers.

This wonderful region must be truly liberated from any thraldom, ancient or modern, natural or artificial to endow its residents with a living standard as yet barely dreamed of.

Let us fearlessly move to acquire it, without further delay, suffering no exterior intervention, all the bounty a generous Providence has lavishly placed within our easy reach.

WHAT'S WRONG WITH THIS PICTURE?

Why should wheat be sold for less than it is worth? Who gets the difference between \$1.35 and \$2.00?

Last month the Rural Rustics of Saskatchewan and Alberta (R. B. Bennett, in Hansard) called a strike for what they define as "Parity Prices." What did they get?

They received a promise that their grievances would have Dominion consideration and attention. They got both. On arriving home they were informed their coal prices were up \$1.00 per ton and freight rates would likely be boosted 30%.

The only adequate answer to this is to handle our own affairs. The Dominion admits there is no Governor-General and that no Confederation exists. We have reached a parting of the ways. We should lose no time in creating a Federation of the West.

No valid protest worthy of consideration can be voiced by any Dominion Official to a Union of the Western Provinces. Get busy. We can have Free-Trade with the United States—(purchase our farm machinery, radios and cars for 40% less than we pay today)—extend our frontiers to the Arctic; be free of Dominion domination; use our Ports of Churchill, Vancouver and Prince Rupert for import and export. In fact, by co-operation we can control an Empire.

Let us be up and doing. We know our cry of "Don't Fence Me In" will be welcomed and re-echoed from across the Rockies by the Watchmen of the Western Gate.

RECAPITULATION

The Dominion Government lacking the right of Eminent Domain, lacking a Governor-General accredited by the Imperial Government, lacking an agreement uniting the Provinces, is in no position to impose its dictates upon the West.

The West can govern itself independent of the East. Eastern Canada may yell secession. Let them. Lacking any agreement, from what can the West secede?

The Dominion, desirous of saving its face and having some color of authority are attempting to conclude agreements with individual Provinces regarding taxation. This move is an attempt to gain the necessary power to govern, by the back door.

The nine Provinces of Canada are the sole source of revenue. Consider! How can the Dominion return to the Provinces more than it collects? This is impossible. How is it possible for any Province to benefit? This is not the objective. Dominion officials failing to have an agreement signed by all the Provinces on their terms, are now attempting to induce each Province individually to relinquish or surrender its sovereign right to collect its Income Tax. Remember: this is a serious business. Direct taxation is the sole means whereby the Province may replenish its purse. What then is the objective? Dominion officials failing in their first attempt are now desperately trying to have the Provinces sign any agreement which will give them some color or show of authority which will perpetuate their lease of office which has long-since expired.

Were this not true, why is there such a tirade of abuse loosed upon those Provinces that refused to be raped?

Let Western Canada govern itself, until Eastern Canada offers a sensible and acceptable solution to Canada's Constitutional Dilemma.

An Agreement drafted by a constituent assembly and ratified by the electorate by each and all of the Provinces is an indispensable prerequisite to the creation of a Federal Government.

Statute of Westminster

Text of Act, December 11th, 1931

Whereas the delegates of His Majesty's Governments in the United Kingdom, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State, and Newfoundland, at Imperial Conferences holden at Westminster in the years of our Lord nineteen hundred and twenty-six and nineteen hundred and thirty did concur in making the declarations and resolutions set forth in the Reports of the said Conferences;

And whereas it is meet and proper to set out by way of preamble to this Act that, inasmuch as the Crown is the symbol of the free association of the members of the British Commonwealth of Nations, and as they are united by a common allegiance to the Crown, it would be in accord with the established constitutional position of all the members of the Commonwealth in relation to one another that any alteration in the law touching the Succession to the Throne or the Royal Style and Titles shall hereafter require the assent as well of the Parliaments of all the Dominions as of the Parliament of the United Kingdom;

And whereas it is in accord with the established constitutional position that no law hereafter made by the Parliament of the United Kingdom shall extend to any of the said Dominions as part of the law of that Dominion otherwise than at the request and with the consent of that Dominion;

And whereas it is necessary for the ratifying, confirming and establishing of certain of the said declarations and resolutions of the said Conferences that a law be made and enacted in due form by authority of the Parliament of the United Kingdom;

And whereas the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State, and Newfoundland have severally requested and consented to the submission of a measure to the Parliament of the United Kingdom for making such provision with regard to the matters aforesaid as is hereafter in this Act contained;

Now, therefore, be it enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. In this Act the expression "Dominion" means any of the following Dominions, that is to say, the Dominion of Canada, the Commonwealth of Australia, the Dominion of New Zealand, the Union of South Africa, the Irish Free State and Newfoundland.

3. It is hereby declared and enacted that the Parliament of a Dominion has full power to make laws having extra-territorial operation.

2.—(1) The Colonial Laws Validity Act, 1865, shall not apply to any law made after the commencement of this Act by the Parliament of a Dominion.

(2) No law and no provision of any law made after the commencement of this Act by the Parliament of a Dominion shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of any existing or future Act of Parliament of the United Kingdom, or to any order, rule or regulation made under any such Act, and the powers of the Parliament of a Dominion shall include the power to repeal or amend any such Act, order, rule or regulation in so far as the same is part of the law of the Dominion.

The Colonial Laws Validity Act provided the method exercisable by a Governor-General whereby he could disallow Colonial Legislation.

4. No Act of Parliament of the United Kingdom passed after the announcement of this Act shall extend, or be deemed to extend, to a Dominion as part of the law of that Dominion, unless it is expressly declared in that Act that that Dominion has requested, and consented to, the enactment thereof.

5. Without prejudice to the generality of the foregoing provisions of this Act, sections seven hundred and thirty-five and seven hundred and thirty-six of the Merchant Shipping Act, 1894, shall be construed as though reference therein to the Legislature of a British possession did not include reference to the Parliament of a Dominion.

6. Without prejudice to the generality of the foregoing provisions of this Act, section four of the Colonial Courts of Admiralty Act, 1890 (which requires certain laws to be reserved for the signification of His Majesty's pleasure or to contain a suspending clause), and so much of section seven of that Act as requires the approval of His Majesty in Council to any rules of Court for regulating the practice and procedure of a Colonial Court of Admiralty, shall cease to have effect in any Dominion as from the commencement of this Act.

7.—(1) Nothing in this Act shall be deemed to apply to the repeal, amendment or alteration of the British North America Acts, 1867, to 1930, or any order, rule or regulation made thereunder.

8.—(2) The provisions of section two of this Act shall extend to laws made by any of the PROVINCES OF CANADA and to the powers of the Legislatures of such Provinces.

(3) The powers conferred by this Act upon the Parliament of Canada or upon the Legislatures of the Provinces shall be restricted to the enactment of laws in relation to matters within the competence of the Parliament of Canada or any of the Legislatures of the Provinces respectively.

or the Constitution Act of the Commonwealth of Australia or the Constitution of the Dominion of New Zealand otherwise than in accordance with the law existing before the commencement of this Act.

9.—(1) Nothing in this Act shall be deemed to authorize the Parliament of the Commonwealth of Australia to make laws on any matter within the authority of the Parliament or Government of the Commonwealth of Australia.

(2) Nothing in this Act shall be deemed to require the concurrence of the Parliament or Government of the Commonwealth of Australia in any law made by the Parliament of the United Kingdom with respect to any matter within the authority of the States of Australia, not being a matter within the authority of the Parliament or Government of the Commonwealth of Australia, in any case where it would have been in accordance with the constitutional practice existing before the commencement of this Act that the Parliament of the United Kingdom should make that law without such concurrence.

(3) In the application of this Act to the Commonwealth of Australia the request and consent referred to in section four shall mean the request and consent of the Parliament and Government of the Commonwealth.

10.—(1) None of the following sections of this Act, that is to say, sections two, three, four, five and six, shall extend to a Dominion to which this section applies as part of the law of that Dominion unless that section is adopted by the Parliament of the Dominion, and any Act of that Parliament adopting any section of this Act may provide that the adoption shall have effect either from the commencement of this Act or from such later date as is specified in the adopting Act.

(2) The Parliament of any such Dominion as aforesaid may at any time revoke the adoption of any section referred to in subsection (1) of this section.

(3) The Dominions to which this section applies are the Commonwealth of Australia, the Dominion of New Zealand, and Newfoundland.

11. Notwithstanding anything in the Interpretation Act, 1889, the expression "Colony" shall not, in any Act of the Parliament of the United Kingdom passed after the commencement of this Act, include a Dominion or any PROVINCE or State forming part of a Dominion.

12. This Act may be cited as the Statute of Westminster, 1931.

